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## ARIZONA SUPREME COURT

In the matter of:	)	
	)	
PETITION TO MODIFY RULES 5.4,	)	Supreme Court No. <u>R-19-0013</u>
7.2, AND 7.4, ARIZONA RULES OF	)	
CRIMINAL PROCEDURE	)	COMMENT
	)	
_____	)	

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully files this Comment recommending clarifying amendment of the proposed new Rule 7.2(b)(4)(D), if the Court decides such a provision is needed to clarify the process.

The recommended edits are shown by italics and strikethroughs as follows:

*EFFECT OF FINDINGS. If the court finds the proof is evident or the presumption great or finds probable cause, UPON THE STATE'S REQUEST, THE COURT will hold the defendant to answer before the superior court under rule 5.4(a)*~~MUST COMPLY WITH RULE 5.4(a) FOR ALL CRIMES WHERE THE COURT HAS FOUND THE PROOF EVIDENT OR THE PRESUMPTION GREAT, OR PROBABLE CAUSE, THAT THE DEFENDANT COMMITTED THE OFFENSE.~~

Respectfully submitted this 1st day of May, 2019.

By /S/  
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